
By: **The Speaker and the Minority Leader (By Request - Administration)**
and Delegates Patterson, O'Donnell, Edwards, Amedori, Anderson,
Barkley, Bates, Benson, Boschert, Bronrott, Brown, Burns, Cane,
Carter, Dumais, Dwyer, Eckardt, Elmore, Frank, Gutierrez, Hammen,
Haynes, Hennessy, Jones, Kelley, Kelly, King, Kirk, Krebs, Lee, Leopold,
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Ross, Shank, Simmons, Sophocleus, Stull, Taylor, V. Turner, Vallario,
Weldon, and Zirkin

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Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Substance Abuse - Parole - Civil Commitment - Diversion**

3 FOR the purpose of requiring the Parole Commission to consider certain reports
4 relating to drug and alcohol use when considering suitability for parole under
5 certain circumstances; establishing parole eligibility for certain nonviolent
6 offenders who are ordered to undergo drug or alcohol treatment; establishing
7 procedures for certain criminal defendants to receive certain dispositions in
8 certain criminal cases under certain circumstances; authorizing a court, under
9 certain circumstances, to enter a certain order; establishing a certain fee;
10 requiring certain dispositions in criminal cases to be entered in certain State
11 records; making certain offenders eligible for certain treatment; altering
12 procedures relating to evaluation and treatment of criminal defendants for drug
13 and alcohol abuse under certain circumstances; requiring certain evaluations be
14 conducted in a certain manner; authorizing a court to order certain evaluations
15 under certain circumstances; authorizing a court to order certain treatment that
16 the Department of Health and Mental Hygiene or its local designee considers
17 necessary under certain circumstances; requiring that a defendant ordered to
18 treatment be supervised in a certain manner; providing that certain evaluation
19 requirements and departmental regulations for local designees of the
20 Department under this Act are not applicable under certain circumstances;

1 authorizing a court to issue a warrant for the arrest of a certain individual
2 under certain circumstances; establishing the Maryland Substance Abuse Fund
3 to be used for evaluation and treatment of criminal defendants for certain drug
4 or alcohol abuse problems; establishing certain procedures relating to the Fund
5 and money received by the Fund; requiring counties to establish a local drug and
6 alcohol council; establishing the membership of the council; establishing certain
7 procedures; requiring local plans consisting of certain matters concerning drug
8 and alcohol treatment; providing for the staggering of the terms of certain
9 members of a local drug and alcohol council; providing that certain planning,
10 reporting, and reviewing for a local drug and alcohol abuse council under this
11 Act are not applicable under certain circumstances; providing for the effective
12 dates of this Act; and generally relating to drug and alcohol treatment.

13 BY repealing and reenacting, with amendments,
14 Article - Correctional Services
15 Section 7-301(a) and 7-305
16 Annotated Code of Maryland
17 (1999 Volume and 2003 Supplement)

18 BY adding to
19 Article - Criminal Procedure
20 Section 6-229, 6-230, and 6-231
21 Annotated Code of Maryland
22 (2001 Volume and 2003 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Criminal Procedure
25 Section 10-105
26 Annotated Code of Maryland
27 (2001 Volume and 2003 Supplement)

28 BY repealing and reenacting, without amendments,
29 Article - Criminal Law
30 Section 5-609(a)
31 Annotated Code of Maryland
32 (2002 Volume and 2003 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article - Criminal Law
35 Section 5-609(b)
36 Annotated Code of Maryland
37 (2002 Volume and 2003 Supplement)

38 BY repealing and reenacting, with amendments,
39 Article - Health - General

1 Section 8-505 through 8-507, inclusive
 2 Annotated Code of Maryland
 3 (2000 Replacement Volume and 2003 Supplement)

4 BY adding to
 5 Article - Health - General
 6 Section 8-6A-01 to be under the new subtitle "Subtitle 6A. Maryland Substance
 7 Abuse Fund"; and 8-1001 to be under the new subtitle "Subtitle 10. Local
 8 Drug and Alcohol Councils"
 9 Annotated Code of Maryland
 10 (2000 Replacement Volume and 2003 Supplement)

11 ~~BY repealing and reenacting, with amendments,~~
 12 ~~Article - Transportation~~
 13 ~~Section 16-117 and 16-117.1~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2002 Replacement Volume and 2003 Supplement)~~

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Correctional Services**

19 7-301.

20 (a) (1) Except as otherwise provided in this section, the Commission shall
 21 request that the Division of Parole and Probation make an investigation for inmates
 22 in a local correctional facility and the Division of Correction make an investigation for
 23 inmates in a State correctional facility that will enable the Commission to determine
 24 the advisability of granting parole to an inmate who:

25 (i) has been sentenced under the laws of the State to serve a term
 26 of 6 months or more in a correctional facility; and

27 (ii) has served in confinement one-fourth of the inmate's aggregate
 28 sentence.

29 (2) Except as PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, OR AS
 30 otherwise provided by law or in a predetermined parole release agreement, an inmate
 31 is not eligible for parole until the inmate has served in confinement one-fourth of the
 32 inmate's aggregate sentence.

33 (3) AN INMATE MAY BE RELEASED ON PAROLE AT ANY TIME IN ORDER
 34 TO UNDERGO DRUG OR ALCOHOL TREATMENT IF THE INMATE:

35 (1) IS NOT SERVING A SENTENCE FOR A VIOLENT CRIME, AS
 36 DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE;

1 (II) IS NOT SERVING A SENTENCE FOR A VIOLATION OF TITLE 3,
 2 SUBTITLE 6, § 5-608(D), § 5-609(D), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, OR § 5-628
 3 OF THE CRIMINAL LAW ARTICLE; AND

4 (III) HAS BEEN DETERMINED TO BE AMENABLE TO DRUG OR
 5 ALCOHOL TREATMENT.

6 7-305.

7 Each hearing examiner and commissioner determining whether an inmate is
 8 suitable for parole, and the Commission before entering into a predetermined parole
 9 release agreement, shall consider:

10 (1) the circumstances surrounding the crime;

11 (2) the physical, mental, and moral qualifications of the inmate;

12 (3) the progress of the inmate during confinement, including the
 13 academic progress of the inmate in the mandatory education program required under
 14 § 22-102 of the Education Article;

15 (4) ~~A REPORT ON A DRUG OR ALCOHOL EVALUATION ORDERED BY THE~~
 16 ~~COMMISSION THAT HAS BEEN CONDUCTED UNDER REGULATIONS OF THE ALCOHOL~~
 17 ~~AND DRUG ABUSE ADMINISTRATION ON THE INMATE,~~ INCLUDING ANY
 18 RECOMMENDATIONS CONCERNING THE INMATE'S AMENABILITY FOR TREATMENT
 19 AND THE AVAILABILITY OF AN APPROPRIATE TREATMENT PROGRAM;

20 [(4)] (5) whether there is reasonable probability that the inmate, if
 21 released on parole, will remain at liberty without violating the law;

22 [(5)] (6) whether release of the inmate on parole is compatible with the
 23 welfare of society;

24 [(6)] (7) an updated victim impact statement or recommendation
 25 prepared under § 7-801 of this title;

26 [(7)] (8) any recommendation made by the sentencing judge at the time
 27 of sentencing;

28 [(8)] (9) any information that is presented to a commissioner at a
 29 meeting with the victim; and

30 [(9)] (10) any testimony presented to the Commission by the victim or the
 31 victim's designated representative under § 7-801 of this title.

32 **Article - Criminal Procedure**

33 6-229.

34 (A) THIS SECTION DOES NOT APPLY TO A PERSON;

1 (1) CHARGED WITH A ~~VIOLENT CRIME OF VIOLENCE~~ AS DEFINED UNDER
2 ~~§ 7-101~~ § 14-101 OF THE ~~CORRECTIONAL SERVICES~~ CRIMINAL LAW ARTICLE OR WITH
3 A VIOLATION OF TITLE 3, SUBTITLE 6 OR SUBTITLE 8, OR § 3-203, § 3-204, § 5-612, §
4 5-613, § 5-614, § 5-621, § 5-622, OR § 5-628 OF THE CRIMINAL LAW ARTICLE; OR

5 (2) WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS DEFINED
6 UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, WITHIN THE PREVIOUS 5 YEARS.

7 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION:

8 (1) A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL
9 TREATMENT SHALL BE CONSIDERED A NOLLE PROSEQUI UNDER THE MARYLAND
10 RULES; AND

11 (2) A STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
12 TREATMENT SHALL BE CONSIDERED A STET UNDER THE MARYLAND RULES,
13 INCLUDING PROVISIONS FOR RESCHEDULING A TRIAL.

14 (C) (1) THE STATE'S ATTORNEY, ON REQUEST OF THE DEFENDANT OR ON
15 THE STATE'S ATTORNEY'S OWN MOTION, MAY MAKE AN OFFER TO A DEFENDANT
16 THAT IF THE DEFENDANT QUALIFIES FOR DRUG OR ALCOHOL TREATMENT THE
17 STATE'S ATTORNEY SHALL DISMISS THE CHARGE BY ENTERING A NOLLE PROSEQUI
18 WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR MOVE THAT THE
19 COURT INDEFINITELY POSTPONE TRIAL OF THE CHARGE BY MARKING THE CHARGE
20 STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT ON THE
21 DOCKET.

22 (2) IN ORDER TO QUALIFY FOR A NOLLE PROSEQUI WITH THE
23 REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE
24 REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT, A DEFENDANT SHALL BE
25 EVALUATED FOR DRUG OR ALCOHOL ABUSE BY THE DEPARTMENT OF HEALTH AND
26 MENTAL HYGIENE, A DESIGNEE OF THE DEPARTMENT, OR A PRIVATE PROVIDER
27 UNDER REGULATIONS OF THE ALCOHOL AND DRUG ABUSE ADMINISTRATION AND
28 THE EVALUATION SHALL DETERMINE WHETHER THE DEFENDANT IS AMENABLE TO
29 TREATMENT AND, IF SO, RECOMMEND AN APPROPRIATE TREATMENT PROGRAM.

30 (3) THE DRUG OR ALCOHOL TREATMENT PROGRAM SHALL BE
31 APPROVED UNDER REGULATIONS OF THE ALCOHOL AND DRUG ABUSE
32 ADMINISTRATION.

33 (4) IF A DEFENDANT QUALIFIED UNDER THIS SECTION ACCEPTS AN
34 OFFER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:

35 (1) THE DEFENDANT SHALL SIGN A ~~WAIVER OF ANY RIGHTS THE~~
36 ~~DEFENDANT MAY HAVE UNDER LAW PROHIBITING DISCLOSURE OF RECORDS OF~~
37 ~~TREATMENT, THEREBY ALLOWING~~ CONSENT TO THE DISCLOSURE OF SUCH
38 TREATMENT INFORMATION AS MAY BE NECESSARY TO ALLOW THE DISCLOSURE OF
39 THE DISPOSITION OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR
40 ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
41 ABUSE TREATMENT TO CRIMINAL JUSTICE UNITS; AND

1 (II) ON SUCCESSFUL COMPLETION OF DRUG OR ALCOHOL
2 TREATMENT, THE STATE'S ATTORNEY SHALL DISMISS THE CHARGE BY ENTERING A
3 NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR
4 MOVE THAT THE COURT INDEFINITELY POSTPONE TRIAL OF THE CHARGE BY
5 MARKING THE CHARGE STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
6 ABUSE TREATMENT ON THE DOCKET.

7 (D) (1) (I) A DEFENDANT WHO HAS RECEIVED A DISPOSITION OF NOLLE
8 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET
9 WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT MAY NOT
10 RECEIVE A DISPOSITION OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR
11 ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
12 ABUSE TREATMENT FOR CHARGES AGAINST THE DEFENDANT ARISING FROM A
13 SEPARATE INCIDENT THAT ARE NOT RESOLVED IN THE SAME PROCEEDING.

14 (II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT THE
15 STATE'S ATTORNEY OR THE COURT FROM ENTERING ANY OTHER APPROPRIATE
16 DISPOSITION IN A PROCEEDING, INCLUDING A DISPOSITION OF NOLLE PROSEQUI OR
17 STET IN ACCORDANCE WITH THE MARYLAND RULES, PROVIDED THAT THE
18 DISPOSITION IS NOT NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR
19 ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
20 ABUSE TREATMENT.

21 (2) IN THE MANNER PROVIDED BY LAW, A CLERK OF THE COURT SHALL
22 TRANSMIT A DISPOSITION OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG
23 OR ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
24 ABUSE TREATMENT FOR ENTRY INTO THE APPROPRIATE CRIMINAL RECORDS ~~AND~~
25 ~~MOTOR VEHICLE RECORDS~~ AS PROVIDED BY LAW.

26 (E) (1) IN ADDITION TO ANY OTHER FEES, FINES, OR COSTS, UNLESS THE
27 COURT MAKES A FINDING ON THE RECORD THAT A DEFENDANT IS UNABLE BY
28 REASON OF INDIGENCY TO PAY THE COSTS, A PERSON WHO RECEIVES A DISPOSITION
29 OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT
30 OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT SHALL
31 PAY TO THE COURT AN ADMINISTRATIVE FEE OF \$150.

32 (2) THE FEE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
33 SHALL BE PAID INTO THE MARYLAND SUBSTANCE ABUSE FUND UNDER § 8-6A-01 OF
34 THE HEALTH - GENERAL ARTICLE.

35 6-230.

36 (A) (1) THIS SUBSECTION SHALL APPLY IN ANY CASE WHERE THE COURT
37 AGREES THAT, ON SUCCESSFUL COMPLETION OF ANY TREATMENT ORDERED AS A
38 CONDITION OF PROBATION UNDER § 6-219 OF THIS SUBTITLE, THE COURT WILL
39 ENTER AN ORDER STRIKING THE ENTRY OF JUDGMENT AND DEFERRING FURTHER
40 PROCEEDINGS IN ACCORDANCE WITH § 6-220 OF THIS SUBTITLE.

41 (2) ON NOTIFICATION TO THE COURT BY THE DIVISION OF PAROLE AND
42 PROBATION THAT THE DEFENDANT HAS SUCCESSFULLY COMPLETED THE

1 TREATMENT AS ORDERED IN A PROCEEDING UNDER PARAGRAPH (1) OF THIS
2 SUBSECTION, THE COURT SHALL, NOTWITHSTANDING ANY OTHER PROVISION OF
3 LAW OR RULE TO THE CONTRARY, ENTER AN ORDER STRIKING ENTRY OF JUDGMENT
4 AND DEFERRING FURTHER PROCEEDINGS IN ACCORDANCE WITH § 6-220 OF THIS
5 SUBTITLE.

6 (B) (1) IN ALL OTHER CASES, ON THE SUCCESSFUL COMPLETION BY A
7 DEFENDANT OF ANY TREATMENT ORDERED AS A CONDITION OF PROBATION
8 IMPOSED UNDER § 6-219 OF THIS SUBTITLE, THE DIVISION OF PAROLE AND
9 PROBATION SHALL NOTIFY THE COURT THAT ISSUED THE ORDER AND THE OFFICE
10 OF THE STATE'S ATTORNEY IN THAT JURISDICTION.

11 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR RULE TO
12 THE CONTRARY, UNLESS THE STATE'S ATTORNEY FILES AN OBJECTION WITHIN 30
13 DAYS AFTER RECEIPT OF THE NOTICE, THE COURT MAY ENTER AN ORDER STRIKING
14 THE ENTRY OF JUDGMENT AND DEFERRING FURTHER PROCEEDINGS IN
15 ACCORDANCE WITH § 6-220 OF THIS SUBTITLE.

16 (3) IF THE STATE'S ATTORNEY FILES A TIMELY OBJECTION, THE COURT
17 SHALL HOLD A HEARING AND MAY, UNLESS GOOD CAUSE IS FOUND TO THE
18 CONTRARY, ENTER THE ORDER.

19 (C) ANY PROBATION BEFORE JUDGMENT ENTERED IN ACCORDANCE WITH
20 THIS SECTION SHALL BE SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION
21 FOR THE TERM AND UNDER THE CONDITIONS THAT THE COURT CONSIDERS
22 APPROPRIATE.

23 6-231.

24 BEFORE THE REVOCATION OF ANY PROBATION ORDERED UNDER THIS TITLE,
25 AND IN ADDITION TO ANY OTHER FACTORS THE COURT CONSIDERS IN CONNECTION
26 WITH THE DETERMINATION OF AN APPROPRIATE SENTENCE, THE COURT SHALL:

27 (1) CONSIDER ANY EVALUATION OR RECOMMENDATION OF ANY
28 HEALTH PROFESSIONAL LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE;

29 (2) CONSIDER RELEVANT INFORMATION ABOUT THE DEFENDANT'S
30 DRUG OR ALCOHOL ABUSE; AND

31 (3) MAKE A FINDING ON THE RECORD AS TO THE DEFENDANT'S
32 AMENABILITY TO TREATMENT AND THE INTEREST OF JUSTICE.

33 10-105.

34 (a) A person who has been charged with the commission of a crime, including
35 a violation of the Transportation Article for which a term of imprisonment may be
36 imposed, may file a petition listing relevant facts for expungement of a police record,
37 court record, or other record maintained by the State or a political subdivision of the
38 State if:

- 1 (1) the person is acquitted;
- 2 (2) the charge is otherwise dismissed;
- 3 (3) a probation before judgment is entered, unless the person is charged
4 with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or §
5 3-211 of the Criminal Law Article;
- 6 (4) a nolle prosequi OR ~~NOLLE PROSEQUI WITH THE REQUIREMENT OF~~
7 ~~DRUG OR ALCOHOL TREATMENT~~ is entered;
- 8 (5) the court indefinitely postpones trial of a criminal charge by marking
9 the criminal charge "stet" OR ~~STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL~~
10 ~~ABUSE TREATMENT~~ on the docket;
- 11 (6) the case is compromised under § 3-207 of the Criminal Law Article;
- 12 (7) the charge was transferred to the juvenile court under § 4-202 of this
13 article; or
- 14 (8) the person:
- 15 (i) is convicted of only one criminal act, and that act is not a crime
16 of violence; and
- 17 (ii) is granted a full and unconditional pardon by the Governor.
- 18 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
19 person shall file a petition in the court in which the proceeding began.
- 20 (2) If the proceeding began in one court and was transferred to another
21 court, the person shall file the petition in the court to which the proceeding was
22 transferred.
- 23 (3) (i) If the proceeding in a court of original jurisdiction was appealed
24 to a court exercising appellate jurisdiction, the person shall file the petition in the
25 appellate court.
- 26 (ii) The appellate court may remand the matter to the court of
27 original jurisdiction.
- 28 (c) (1) ~~[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
29 A petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may
30 not be filed within 3 years after the disposition, unless the petitioner files with the
31 petition a written general waiver and release of all the petitioner's tort claims arising
32 from the charge.
- 33 (2) A petition for expungement based on a probation before judgment, ~~A~~
34 ~~NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT~~ OR A
35 ~~STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT~~ may not
36 be filed earlier than the later of:

1 (i) the date the petitioner was discharged from probation OR THE
 2 REQUIREMENTS OF OBTAINING DRUG OR ALCOHOL ABUSE TREATMENT WERE
 3 COMPLETED; or

4 (ii) 3 years after the probation was granted OR ~~THE NOLLE~~
 5 ~~PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET~~
 6 WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT WAS ENTERED
 7 ON THE DOCKET.

8 (3) A PETITION FOR EXPUNGEMENT BASED ON A NOLLE PROSEQUI WITH
 9 THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT MAY NOT BE FILED UNTIL
 10 THE COMPLETION OF THE REQUIRED TREATMENT.

11 ~~(3)~~ (4) A petition for expungement based on a full and unconditional
 12 pardon by the Governor may not be filed later than 10 years after the pardon was
 13 signed by the Governor.

14 ~~(4)~~ (5) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
 15 SUBSECTION, A petition for expungement based on a stet or a compromise under §
 16 3-207 of the Criminal Law Article may not be filed within 3 years after the stet or
 17 compromise.

18 ~~(5)~~ (6) A court may grant a petition for expungement at any time on a
 19 showing of good cause.

20 (d) (1) The court shall have a copy of a petition for expungement served on
 21 the State's Attorney.

22 (2) Unless the State's Attorney files an objection to the petition for
 23 expungement within 30 days after the petition is served, the court shall pass an order
 24 requiring the expungement of all police records and court records about the charge.

25 (e) (1) If the State's Attorney files a timely objection to the petition, the
 26 court shall hold a hearing.

27 (2) If the court at the hearing finds that the person is entitled to
 28 expungement, the court shall order the expungement of all police records and court
 29 records about the charge.

30 (3) If the court finds that the person is not entitled to expungement, the
 31 court shall deny the petition.

32 (4) The person is not entitled to expungement if:

33 (i) the petition is based on the entry of probation before judgment,
 34 a nolle prosequi, or a stet, INCLUDING A NOLLE PROSEQUI WITH THE REQUIREMENT
 35 OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE REQUIREMENT OF DRUG
 36 OR ALCOHOL ABUSE TREATMENT, or the grant of a pardon by the Governor; and

37 (ii) the person:

1 1. since the full and unconditional pardon or entry, has been
2 convicted of a crime other than a minor traffic violation; or

3 2. is a defendant in a pending criminal proceeding.

4 (f) Unless an order is stayed pending an appeal, within 60 days after entry of
5 the order, every custodian of the police records and court records that are subject to
6 the order of expungement shall advise in writing the court and the person who is
7 seeking expungement of compliance with the order.

8 (g) (1) The State's Attorney is a party to the proceeding.

9 (2) A party aggrieved by the decision of the court is entitled to appellate
10 review as provided in the Courts Article.

11 ~~Article - Health - General~~

12 Article - Criminal Law

13 5-609.

14 (a) Except as otherwise provided in this section, a person who violates a
15 provision of §§ 5-602 through 5-606 of this subtitle with respect to any of the
16 following controlled dangerous substances is guilty of a felony and on conviction is
17 subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or
18 both:

19 (1) phencyclidine;

20 (2) 1-(1-phenylcyclohexyl) piperidine;

21 (3) 1-phenylcyclohexylamine;

22 (4) 1-piperidinocyclohexanecarbonitrile;

23 (5) N-ethyl-1-phenylcyclohexylamine;

24 (6) 1-(1-phenylcyclohexyl)-pyrrolidine;

25 (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;

26 (8) lysergic acid diethylamide; or

27 (9) 750 grams or more of 3, 4-methylenedioxymethamphetamine
28 (MDMA).

29 (b) (1) A person who is convicted under subsection (a) of this section or of
30 conspiracy to commit a crime included in subsection (a) of this section shall be
31 sentenced to imprisonment for not less than 10 years and is subject to a fine not
32 exceeding \$100,000 if the person previously has been convicted once:

- 1 (i) under subsection (a) of this section or § 5-608 of this subtitle;
 2 (ii) of conspiracy to commit a crime included in subsection (a) of this
 3 section or § 5-608 of this subtitle; or
 4 (iii) of a crime under the laws of another state or the United States
 5 that would be a crime included in subsection (a) of this section or § 5-608 of this
 6 subtitle if committed in this State; or
 7 (iv) of any combination of these crimes.

8 (2) The court may not suspend the mandatory minimum sentence to less
 9 than 10 years.

10 (3) Except as provided in § 4-305 of the Correctional Services Article, the
 11 person is not eligible for parole during the mandatory minimum sentence.

12 (4) A PERSON CONVICTED UNDER SUBSECTION (A) OF THIS SECTION IS
 13 NOT PROHIBITED FROM PARTICIPATING IN A DRUG TREATMENT PROGRAM UNDER §
 14 8-507 OF THE HEALTH - GENERAL ARTICLE BECAUSE OF THE LENGTH OF THE
 15 SENTENCE.

16 **Article - Health - General**

17 8-505.

18 (a) (1) Before or during a criminal trial or ~~prior to~~ BEFORE sentencing, the
 19 court may order the Department, ~~THROUGH ITS LOCAL DESIGNEE~~, to evaluate a
 20 defendant to determine whether, by reason of drug or alcohol abuse, the defendant is
 21 in need of and may benefit from treatment if:

22 (i) It appears to the court that the defendant has an alcohol or drug
 23 abuse problem; or

24 (ii) The defendant alleges an alcohol or drug dependency.

25 (2) ~~The~~ A court shall set and may change the conditions under which ~~the~~
 26 AN examination is to be conducted UNDER THIS SECTION.

27 (3) ~~AN EVALUATION UNDER THIS SECTION SHALL BE CONDUCTED BY~~
 28 ~~THE LOCAL DESIGNEE OF THE DEPARTMENT~~ THE DEPARTMENT SHALL ENSURE
 29 THAT EACH EVALUATION UNDER THIS SECTION IS CONDUCTED IN ACCORDANCE
 30 WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

31 (b) Except in a capital case, on consideration of the nature of the charge, the
 32 court:

33 (1) May require or permit an examination to be conducted on an
 34 outpatient basis; and

1 (2) If an outpatient examination is authorized, shall set bail for the
2 defendant or authorize the release of the defendant on personal recognizance.

3 (c) (1) If a defendant is to be held in custody for examination under this
4 section:

5 (i) The defendant may be confined in a detention facility until the
6 ~~{Department} LOCAL DESIGNEE OF THE DEPARTMENT~~ is able to conduct the
7 examination; or

8 (ii) The court may order confinement of the defendant in a medical
9 wing or other isolated and secure unit of a detention facility, if the court finds it
10 appropriate for the health or safety of the defendant.

11 (2) (i) If the court finds that, because of the apparent severity of the
12 alcohol or drug dependency or other medical or psychiatric complications, a defendant
13 in custody would be endangered by confinement in a jail, the court may order the
14 Department, ~~THROUGH ITS LOCAL DESIGNEE~~, to either:

15 1. Place the defendant, pending examination, in [a] AN
16 APPROPRIATE health care facility [that the Department designates as appropriate];
17 or

18 2. [Have local health department staff, or other qualified
19 personnel who the Department finds appropriate, immediately] IMMEDIATELY
20 conduct an evaluation of the defendant.

21 (ii) Unless the Department ~~OR ITS LOCAL DESIGNEE~~ retains a
22 defendant, the defendant shall be promptly returned to the court after an
23 examination.

24 ~~{(iii) A defendant who is detained for an examination under this
25 section may question at any time the legality of the detention by a petition for a writ
26 of habeas corpus.}~~

27 (d) (1) If a court orders an evaluation under this section, the evaluator shall:

28 (i) Conduct an evaluation of the defendant; and

29 (ii) Submit a complete report of the evaluation within 7 days to the:

30 1. Court;

31 2. ~~Administration~~ DEPARTMENT; and

32 3. Defendant or the defendant's attorney.

33 (2) On good cause shown, ~~the~~ A court may extend the time for an
34 evaluation UNDER THIS SECTION.

1 (3) WHENEVER AN EVALUATOR RECOMMENDS TREATMENT, THE
 2 EVALUATOR'S REPORT SHALL:

3 (I) NAME A SPECIFIC PROGRAM ABLE TO PROVIDE THE
 4 RECOMMENDED TREATMENT; AND

5 (II) GIVE AN ACTUAL OR ESTIMATED DATE WHEN THE PROGRAM
 6 CAN BEGIN TREATMENT OF THE DEFENDANT.

7 (E) (1) THE DEPARTMENT SHALL PROVIDE THE SERVICES REQUIRED BY
 8 THIS SECTION.

9 (2) A DESIGNEE OF THE DEPARTMENT MAY CARRY OUT ANY OF ITS
 10 DUTIES UNDER THIS SECTION IF APPROPRIATE FUNDING IS PROVIDED.

11 (F) EVALUATIONS PERFORMED IN FACILITIES OPERATED BY THE
 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL BE
 13 CONDUCTED BY THE ADMINISTRATION.

14 8-506.

15 (a) (+) A court may {commit a defendant to the Department} ~~ORDER A~~
 16 ~~DEFENDANT TO BE EVALUATED ON AN INPATIENT BASIS FOR FOR INPATIENT~~
 17 EVALUATION AS TO DRUG OR ALCOHOL ABUSE if:

18 (+) (1) The court finds it is not clinically appropriate for the
 19 defendant to be evaluated in a detention facility or an appropriate outpatient facility;
 20 [or] AND

21 (+) (2) After an INITIAL evaluation [in a detention facility or an
 22 outpatient facility] ~~CONDUCTED BY A LOCAL DESIGNEE OF THE DEPARTMENT IN~~
 23 ~~ACCORDANCE WITH DEPARTMENT REGULATIONS, the {Department} INITIAL~~
 24 EVALUATION;

25 (I) recommends a comprehensive inpatient evaluation of the
 26 defendant; ~~AND~~

27 (II) CERTIFIES THAT AN APPROPRIATE FACILITY IS EITHER
 28 CURRENTLY, OR WITHIN A REASONABLE TIME WILL BE ABLE TO, CONDUCT THE
 29 EVALUATION;

30 (III) PROVIDES TO THE COURT A DATE BY WHICH THE EVALUATION
 31 CAN BE CONDUCTED; AND

32 (IV) GIVES THE COURT PROMPT NOTICE WHEN AN EVALUATION
 33 CAN BE CONDUCTED.

34 (III) THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
 35 ~~DEPARTMENT CERTIFIES TO THE COURT THAT AN APPROPRIATE FACILITY IS EITHER~~

1 CURRENTLY, OR WITHIN A REASONABLE TIME WILL BE, AVAILABLE TO CONDUCT
2 THE EVALUATION.

3 (2) (I) ~~[Before a court commits a defendant to the Department for
4 evaluation, the court shall consult with the Administration.] A DEFENDANT
5 ORDERED FOR EVALUATION UNDER THIS SECTION REMAINS IN THE LEGAL CUSTODY
6 OF THE COURT OR THE APPROPRIATE PRETRIAL RELEASE AGENCY OR
7 CORRECTIONAL FACILITY.~~

8 (H) ~~A DEFENDANT WHO HAS NOT BEEN RELEASED PRIOR TO TRIAL
9 UNDER MARYLAND RULE 4-216 SHALL BE EVALUATED IN A SECURE FACILITY.~~

10 (3) ~~IF AN APPROPRIATE EVALUATION FACILITY IS NOT AVAILABLE
11 UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION:~~

12 (I) ~~THE COURT MAY NOT REQUIRE THE DEPARTMENT OR A LOCAL
13 DESIGNEE OF THE DEPARTMENT TO TAKE CUSTODY OF THE DEFENDANT;~~

14 (H) ~~A DEFENDANT SHALL BE HELD IN CUSTODY OR RELEASED
15 ACCORDING TO LAW AS ORDERED BY THE COURT; AND~~

16 (III) ~~THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
17 DEPARTMENT SHALL PRESENT TO THE COURT A DATE BY WHICH THE EVALUATION
18 CAN BE CONDUCTED AND SHALL PROMPTLY NOTIFY THE COURT WHEN AN
19 APPROPRIATE EVALUATION FACILITY BECOMES AVAILABLE.~~

20 (b) ~~The Department, ANOTHER FACILITY APPROVED BY THE DEPARTMENT,
21 OR A LOCAL DESIGNEE OF THE DEPARTMENT, shall provide the services required by
22 this section.~~

23 (e) ~~The Department OR A LOCAL DESIGNEE OF THE DEPARTMENT shall have
24 the obligation to [engage in reasonable efforts to] facilitate the PROMPT admission of
25 a defendant to an appropriate evaluation facility.~~

26 (d) ~~[Unless the court allows the defendant to provide the defendant's own
27 transportation, on commitment or release of a defendant under this subtitle, the]
28 THE court shall [order]:~~

29 (1) ~~ORDER transportation OF THE DEFENDANT TO AN EVALUATION by
30 law enforcement officials, detention center staff, DIVISION OF CORRECTION STAFF, or
31 sheriff's department staff within the local jurisdiction; AND~~

32 (2) ~~PROVIDE FOR THE RETURN OF THE DEFENDANT TO A DESIGNATED
33 LOCATION ON COMPLETION OF THE EVALUATION.~~

34 (e) (1) ~~A [commitment] COURT ORDER FOR AN EVALUATION under this
35 section shall not [be] REQUIRE AN EVALUATION for more than 7 days unless the
36 medical condition of a defendant warrants an extension of a maximum of 14 days.~~

1 (2) Except during the first 72 hours after [commitment] ADMISSION,
2 the Director or a designee of the Director, INCLUDING A LOCAL DESIGNEE OF THE
3 DEPARTMENT, may terminate the [commitment] EVALUATION if the Director or the
4 designee determines that continued [commitment] EVALUATION:

5 (i) Is not in the best interest of an individual; or

6 (ii) Does not serve any useful purpose.

7 (f) (+) Before an individual is released from [commitment] AN
8 EVALUATION FACILITY under this section, the Director or a designee of the Director,
9 INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, shall give the judge [that]
10 WHO ordered the [commitment] EVALUATION AND ANY CORRECTIONAL AGENCY TO
11 WHOM THE INDIVIDUAL IS COMMITTED notice of the proposed date and time of
12 release.

13 (2) ON COMPLETION OF THE EVALUATION, THE EVALUATION FACILITY
14 SHALL NOTIFY THE COURT AND THE DEFENDANT SHALL BE RETURNED IN
15 ACCORDANCE WITH THE PROVISIONS OF THE EVALUATION ORDER.

16 (g) In the event an individual [committed] ORDERED TO BE EVALUATED
17 under this section leaves an evaluation facility without authorization, the
18 responsibility of the Department OR A LOCAL DESIGNEE OF THE DEPARTMENT is
19 limited to notification of the court that [committed the individual] ISSUED THE
20 ORDER as soon as it is reasonably possible.

21 (b) (1) The Department shall provide the services required by this section.

22 (2) A DESIGNEE OF THE DEPARTMENT MAY CARRY OUT ANY OF THE
23 DEPARTMENT'S DUTIES UNDER THIS SECTION IF APPROPRIATE FUNDING IS
24 PROVIDED.

25 (c) The Department shall [have the obligation to engage in reasonable efforts
26 to] facilitate the [admission] PROMPT EVALUATION of a defendant [to an
27 appropriate evaluation facility] UNDER THIS SECTION AND ENSURE THAT EACH
28 EVALUATION IS CONDUCTED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
29 DEPARTMENT.

30 (d) [Unless the court allows the defendant to provide the defendant's own
31 transportation, on commitment or release of a defendant under this subtitle, the] A
32 court [shall] MAY order [transportation by] law enforcement officials, detention
33 center staff, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES STAFF,
34 or sheriff's department staff within the APPROPRIATE local jurisdiction TO
35 TRANSPORT THE DEFENDANT TO AND FROM AN EVALUATION FACILITY.

36 (e) (1) A commitment under this section [shall] MAY not [be] REQUIRE
37 EVALUATION for more than 7 days unless the medical condition of a defendant
38 warrants an extension of a maximum of 14 days.

1 (2) Except during the first 72 hours after [commitment] ADMISSION OF
2 A DEFENDANT TO AN EVALUATION FACILITY, the [Director or a designee of the
3 Director] DEPARTMENT may terminate the [commitment] EVALUATION if the
4 [Director or the designee] DEPARTMENT determines that continued [commitment]
5 EVALUATION:

6 (i) Is not in the best interest of [an individual] THE DEFENDANT;
7 or

8 (ii) Does not serve any useful purpose.

9 (3) WHENEVER AN EVALUATION RECOMMENDS TREATMENT, THE
10 EVALUATOR'S REPORT SHALL:

11 (I) NAME A SPECIFIC PROGRAM ABLE TO PROVIDE THE
12 RECOMMENDED TREATMENT; AND

13 (II) GIVE AN ACTUAL OR ESTIMATED DATE WHEN THE PROGRAM
14 CAN BEGIN TREATMENT OF THE DEFENDANT.

15 (f) (1) ON COMPLETION OF AN EVALUATION UNDER THIS SECTION, THE
16 DEPARTMENT SHALL NOTIFY THE COURT.

17 (2) Before [an individual] A DEFENDANT is released from
18 [commitment] AN EVALUATION FACILITY under this section, the [Director or a
19 designee of the Director] DEPARTMENT shall give the [judge] COURT that ordered
20 the [commitment] EVALUATION AND THE CORRECTIONAL FACILITY, IF ANY, TO
21 WHOSE CUSTODY THE DEFENDANT IS TO BE RELEASED notice of the proposed date
22 and time of release AND HAVE THE DEFENDANT RETURNED TO THE COURT AS
23 PROVIDED IN THE EVALUATION ORDER.

24 (g) (1) [In the event an individual committed under this section] IF A
25 DEFENDANT leaves an evaluation facility without authorization, the responsibility of
26 the Department is limited to notification of the court that [committed the individual]
27 ORDERED THE DEFENDANT'S EVALUATION, as soon as it is reasonably possible.

28 (2) NOTICE UNDER THIS SUBSECTION SHALL CONSTITUTE PROBABLE
29 CAUSE FOR A COURT TO ISSUE A WARRANT FOR THE ARREST OF A DEFENDANT.

30 ~~8-507.~~

31 (a) ~~If a court finds in a criminal case that a defendant has an alcohol or drug~~
32 ~~dependency, AS PROVIDED IN THIS SECTION the court may [commit] ORDER the~~
33 ~~defendant as a condition of release, after conviction, or at any other time the~~
34 ~~defendant voluntarily agrees to treatment [to the Department for] TO PARTICIPATE~~
35 ~~IN inpatient, residential, or outpatient treatment APPROVED BY THE DEPARTMENT~~
36 ~~OR A LOCAL DESIGNEE OF THE DEPARTMENT.~~

37 (b) ~~Before a court may [commit a defendant to the Department for] ORDER~~
38 ~~treatment UNDER THIS SECTION, the court shall:~~

- 1 (1) Offer the defendant the opportunity to receive treatment; ~~[and]~~
- 2 (2) Obtain the written consent of the defendant:
- 3 (i) To receive treatment; and
- 4 (ii) For the reporting of information back to the court; ~~[and]~~
- 5 (3) ~~[Consult with] ORDER AN EVALUATION OF THE DEFENDANT IN~~
6 ~~ACCORDANCE WITH REGULATIONS ADOPTED BY the Administration; AND~~
- 7 (4) ~~CONSIDER THE REPORT ON THE DEFENDANT'S EVALUATION.~~
- 8 (e) (1) ~~[The] IF THE COURT ORDERS AN EVALUATION OF A DEFENDANT~~
9 ~~FOR AN ALCOHOL OR DRUG DEPENDENCY, THE Department OR A LOCAL DESIGNEE~~
10 ~~OF THE DEPARTMENT shall [provide the services required by this section]:~~
- 11 (1) ~~ENSURE THAT THE EVALUATION IS CONDUCTED IN~~
12 ~~ACCORDANCE WITH REGULATIONS ADOPTED BY THE ADMINISTRATION; AND~~
- 13 (2) ~~REVIEW THE EVALUATION AFTER COMPLETION.~~
- 14 (2) ~~IF THE EVALUATION REPORT RECOMMENDS TREATMENT, THE~~
15 ~~REPORT SHALL:~~
- 16 (1) ~~IDENTIFY SPECIFIC PROGRAMS CAPABLE OF PROVIDING THE~~
17 ~~TREATMENT AS RECOMMENDED; AND~~
- 18 (2) ~~IDENTIFY AN ACTUAL OR ESTIMATED DATE WHEN A FACILITY~~
19 ~~CAN ADMIT THE DEFENDANT.~~
- 20 (d) (1) ~~IF THE COURT AND THE DEPARTMENT OR A LOCAL DESIGNEE OF~~
21 ~~THE DEPARTMENT CONSIDER TREATMENT TO BE APPROPRIATE AND NECESSARY,~~
22 ~~THE COURT MAY ORDER THE DEFENDANT TO PARTICIPATE IN THE TREATMENT~~
23 ~~RECOMMENDED BY THE DEPARTMENT OR A LOCAL DESIGNEE OF THE DEPARTMENT.~~
- 24 (2) ~~A COURT MAY NOT ORDER THAT THE DEFENDANT BE DELIVERED~~
25 ~~FOR TREATMENT:~~
- 26 (1) ~~UNLESS THE DEPARTMENT OR A LOCAL DESIGNEE OF THE~~
27 ~~DEPARTMENT RECOMMENDS TREATMENT; AND~~
- 28 (2) ~~UNTIL THE DEPARTMENT OR A LOCAL DESIGNEE OF THE~~
29 ~~DEPARTMENT NOTIFIES THE COURT THAT AN APPROPRIATE TREATMENT PROGRAM~~
30 ~~IS AVAILABLE TO ADMIT THE DEFENDANT.~~
- 31 (d) (E) ~~The Department OR A LOCAL DESIGNEE OF THE DEPARTMENT shall~~
32 ~~[engage in reasonable efforts to] facilitate the PROMPT admission of a defendant to~~
33 ~~the appropriate treatment facility.~~

1 ~~[(e)]~~ ~~(f)~~ ~~[Unless the court allows the defendant to provide the defendant's~~
 2 ~~own transportation, on commitment or release of a defendant under this subtitle, the]~~
 3 ~~THE court [shall] MAY order transportation OF THE DEFENDANT TO A TREATMENT~~
 4 ~~FACILITY by law enforcement officials, detention center staff, DIVISION OF~~
 5 ~~CORRECTION STAFF, or sheriff's department staff within the local jurisdiction.~~

6 ~~(G)~~ ~~A COURT MAY ORDER A DEFENDANT TO PARTICIPATE IN TREATMENT~~
 7 ~~UNDER THIS SECTION ONLY:~~

8 ~~(1)~~ ~~AS A CONDITION OF PRETRIAL RELEASE OR PROBATION OR A~~
 9 ~~SUSPENDED SENTENCE UNDER §§ 6-219 THROUGH 6-225 OF THE CRIMINAL~~
 10 ~~PROCEDURE ARTICLE; AND~~

11 ~~(2)~~ ~~IF THERE IS NO CURRENT COMMITMENT FOR INCARCERATION IN~~
 12 ~~EFFECT.~~

13 ~~(H)~~ ~~(1)~~ ~~IF A COURT ORDERS A DEFENDANT TO UNDERGO TREATMENT~~
 14 ~~UNDER THIS SECTION, THE COURT SHALL ORDER THE DEFENDANT TO BE~~
 15 ~~SUPERVISED:~~

16 ~~(1)~~ ~~IF THE DEFENDANT IS RELEASED PRETRIAL, BY THE~~
 17 ~~APPROPRIATE PRETRIAL RELEASE AGENCY OR LOCAL CORRECTIONAL FACILITY~~
 18 ~~UNDER APPROPRIATE CONDITIONS IN ACCORDANCE WITH MARYLAND RULE 4-216;~~
 19 ~~OR~~

20 ~~(H)~~ ~~IF THE COURT RELEASES THE DEFENDANT ON PROBATION, BY~~
 21 ~~THE DIVISION OF PAROLE AND PROBATION UNDER APPROPRIATE CONDITIONS IN~~
 22 ~~ACCORDANCE WITH §§ 6-219 THROUGH 6-225 OF THE CRIMINAL PROCEDURE ARTICLE~~
 23 ~~AND MARYLAND RULE 4-346.~~

24 ~~(2)~~ ~~A DEFENDANT ORDERED TO TREATMENT UNDER THIS SECTION MAY~~
 25 ~~NOT BE CONSIDERED TO BE IN THE CUSTODY OF THE DEPARTMENT.~~

26 ~~[(f)]~~ ~~(1)~~ ~~(1)~~ ~~A defendant's withdrawal of consent to treatment shall~~
 27 ~~CONSTITUTE A VIOLATION OF CONDITIONS OF RELEASE AND SHALL be promptly~~
 28 ~~reported to the court.~~

29 ~~(2)~~ ~~The defendant shall be returned to the court [within 7 days] ON~~
 30 ~~ISSUANCE OF A WARRANT for further proceedings.~~

31 ~~[(g)]~~ ~~A defendant who is committed for treatment under this section may~~
 32 ~~question at any time the legality of the commitment by a petition for a writ of habeas~~
 33 ~~corpus.]~~

34 ~~[(h)]~~ ~~(1)~~ ~~(1)~~ ~~[A commitment] AN ORDER FOR TREATMENT under this section~~
 35 ~~shall be for at least 72 hours and not more than 1 year.~~

36 ~~(2)~~ ~~On good cause shown by the Administration OR A LOCAL DESIGNEE~~
 37 ~~OF THE DEPARTMENT, the court may extend the time period for providing the~~
 38 ~~necessary treatment services in increments of 6 months.~~

1 (3) Except during the first 72 hours after [commitment] ADMISSION OF
 2 A DEFENDANT ORDERED FOR TREATMENT UNDER THIS SECTION, the Director or a
 3 designee of the Director, INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, may
 4 terminate the [commitment] TREATMENT if the Director or the designee determines
 5 that:

6 (i) Continued [commitment] TREATMENT is not in the best
 7 interest of the individual; or

8 (ii) The individual is no longer amenable to treatment.

9 [(j)] (K) When an individual is to be released from a [commitment]
 10 TREATMENT FACILITY under this section, the Director or the Director's designee,
 11 INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, shall [consult with] NOTIFY
 12 the court [to determine if the individual is to be returned to the court].

13 [(j)] (L) In the event an individual [committed] ORDERED TO A TREATMENT
 14 FACILITY under this section leaves a treatment facility without authorization, the
 15 responsibility of the Department OR A LOCAL DESIGNEE OF THE DEPARTMENT is
 16 limited to the notification of the court that [committed the individual] ORDERED THE
 17 TREATMENT as soon as it is reasonably possible.

18 [(k)] (M) Nothing in this section imposes any obligation on the Administration
 19 OR A LOCAL DESIGNEE OF THE DEPARTMENT:

20 (1) To treat any defendant who knowingly and willfully declines to
 21 consent to further treatment; or

22 (2) In reporting to the court under this section, to include an assessment
 23 of a defendant's dangerousness to one's self, to another individual, or to the property
 24 of another individual by virtue of a drug or alcohol problem.

25 [(4)] (N) Any time served by a criminal defendant held for INPATIENT
 26 evaluation or [committed] ORDERED for INPATIENT treatment shall be credited
 27 against [the] ANY sentence imposed by the court.

28 8-507.

29 (A) THIS SECTION APPLIES ONLY TO A DEFENDANT FOR WHOM:

30 (1) NO SENTENCE OF INCARCERATION IS CURRENTLY IN EFFECT; AND

31 (2) NO DETAINER IS CURRENTLY LODGED.

32 [(a)] (B) [If] SUBJECT TO THE LIMITATIONS IN THIS SECTION, a court THAT
 33 finds in a criminal case that a defendant has an alcohol or drug dependency[, the
 34 court] may commit the defendant as a condition of release, after conviction, or at any
 35 other time the defendant voluntarily agrees to [treatment] PARTICIPATE IN
 36 TREATMENT, to the Department for [inpatient, residential, or outpatient] treatment
 37 THAT THE DEPARTMENT RECOMMENDS, EVEN IF:

1 (1) THE DEFENDANT DID NOT TIMELY FILE A MOTION FOR
2 RECONSIDERATION UNDER MARYLAND RULE 4-345; OR

3 (2) THE DEFENDANT TIMELY FILED A MOTION FOR RECONSIDERATION
4 UNDER MARYLAND RULE 4-345 WHICH WAS DENIED BY THE COURT.

5 [(b)] (C) Before a court [may commit] COMMITS a defendant to the
6 Department [for treatment] UNDER THIS SECTION, the court shall:

7 (1) Offer the defendant the opportunity to receive treatment; [and]

8 (2) Obtain the written consent of the defendant:

9 (i) To receive treatment; and

10 (ii) [For the reporting of] TO HAVE information REPORTED back to
11 the court; [and]

12 (3) [Consult with the Administration] ORDER AN EVALUATION OF THE
13 DEFENDANT UNDER § 8-505 OR § 8-506 OF THIS SUBTITLE;

14 (4) CONSIDER THE REPORT ON THE DEFENDANT'S EVALUATION; AND

15 (5) FIND THAT THE TREATMENT THAT THE DEPARTMENT RECOMMENDS
16 TO BE APPROPRIATE AND NECESSARY.

17 [(c)] (D) (1) The Department shall provide the services required by this
18 section.

19 (2) A DESIGNEE OF THE DEPARTMENT MAY CARRY OUT ANY OF THE
20 DEPARTMENT'S DUTIES UNDER THIS SECTION IF APPROPRIATE FUNDING IS
21 PROVIDED.

22 (E) (1) A COURT MAY NOT ORDER THAT THE DEFENDANT BE DELIVERED
23 FOR TREATMENT UNTIL THE DEPARTMENT GIVES THE COURT NOTICE THAT AN
24 APPROPRIATE TREATMENT PROGRAM IS ABLE TO BEGIN TREATMENT OF THE
25 DEFENDANT.

26 [(d)] (2) The Department shall [engage in reasonable efforts to] facilitate the
27 [admission] PROMPT TREATMENT of a defendant [to the appropriate treatment
28 facility].

29 (F) FOR A DEFENDANT COMMITTED FOR TREATMENT UNDER THIS SECTION, A
30 COURT SHALL ORDER SUPERVISION OF THE DEFENDANT:

31 (1) BY AN APPROPRIATE PRETRIAL RELEASE AGENCY, IF THE
32 DEFENDANT IS RELEASED PENDING TRIAL;

33 (2) BY THE DIVISION OF PAROLE AND PROBATION UNDER APPROPRIATE
34 CONDITIONS IN ACCORDANCE WITH §§ 6-219 THROUGH 6-225 OF THE CRIMINAL

1 PROCEDURE ARTICLE AND MARYLAND RULE 4-345, IF THE DEFENDANT IS RELEASED
2 ON PROBATION; OR

3 (3) BY THE DEPARTMENT, IF THE DEFENDANT REMAINS IN THE
4 CUSTODY OF A LOCAL CORRECTIONAL FACILITY.

5 [(e)] (G) [Unless the court allows the defendant to provide the defendant's
6 own transportation, on commitment or release of a defendant under this subtitle, the]
7 A court [shall] MAY order [transportation by] law enforcement officials, detention
8 center staff, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES STAFF,
9 or sheriff's department staff within the APPROPRIATE local jurisdiction TO
10 TRANSPORT A DEFENDANT TO AND FROM TREATMENT UNDER THIS SECTION.

11 [(f)] (H) [(1)] (A) THE DEPARTMENT SHALL PROMPTLY REPORT TO A COURT A
12 defendant's withdrawal of consent to treatment [shall be promptly reported to the
13 court.

14 (2) The defendant shall be] AND HAVE THE DEFENDANT returned to the
15 court within 7 days for further proceedings.

16 [(g)] (I) A defendant who is committed for treatment under this section may
17 question at any time the legality of the commitment by a petition for a writ of habeas
18 corpus.

19 [(h)] (J) (1) A commitment under this section shall be for at least 72 hours
20 and not more than 1 year.

21 (2) On good cause shown by [the Administration] THE DEPARTMENT,
22 THE COURT, OR THE STATE, the court may extend the time period for providing the
23 necessary treatment services in increments of 6 months.

24 (3) Except during the first 72 hours after [commitment, the Director or a
25 designee of the Director] ADMISSION OF A DEFENDANT TO A TREATMENT PROGRAM,
26 THE DEPARTMENT may terminate the [commitment] TREATMENT if the [Director or
27 the designee] DEPARTMENT determines that:

28 (i) Continued [commitment] TREATMENT is not in the best
29 interest of the [individual] DEFENDANT; or

30 (ii) The [individual] DEFENDANT is no longer amenable to
31 treatment.

32 [(i)] (K) When [an individual] A DEFENDANT is to be released from [a
33 commitment] TREATMENT under this section, the [Director or the Director's
34 designee] DEPARTMENT shall [consult with] NOTIFY the court [to determine if the
35 individual is to be returned to the court] THAT ORDERED THE TREATMENT.

36 [(j)] (L) (1) [In the event an individual committed under this section] IF A
37 DEFENDANT leaves [a] treatment [facility] without authorization, the responsibility
38 of the Department is limited to the notification of the court that [committed the

1 individual] ORDERED THE DEFENDANT'S TREATMENT as soon as it is reasonably
 2 possible.

3 (2) NOTICE UNDER THIS SUBSECTION SHALL CONSTITUTE PROBABLE
 4 CAUSE FOR A COURT TO ISSUE A WARRANT FOR THE ARREST OF A DEFENDANT.

5 [(k)] (M) Nothing in this section imposes any obligation on the
 6 [Administration] DEPARTMENT:

7 (1) To treat any defendant who knowingly and willfully declines to
 8 consent to further treatment; or

9 (2) In reporting to the court under this section, to include an assessment
 10 of a defendant's dangerousness to one's self, to another individual, or to the property
 11 of another individual by virtue of a drug or alcohol problem.

12 [(l)] (N) [Any time served by a criminal] TIME DURING WHICH A defendant
 13 IS held UNDER THIS SECTION for INPATIENT evaluation or [committed for]
 14 INPATIENT OR RESIDENTIAL treatment shall be credited against [the] ANY sentence
 15 imposed by the court THAT ORDERED THE EVALUATION OR TREATMENT.

16 (O) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT A COURT'S AUTHORITY
 17 TO ORDER DRUG TREATMENT IN LIEU OF INCARCERATION UNDER TITLE 5 OF THE
 18 CRIMINAL LAW ARTICLE.

19 SUBTITLE 6A. MARYLAND SUBSTANCE ABUSE FUND.

20 8-6A-01.

21 (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND SUBSTANCE ABUSE
 22 FUND.

23 (B) (1) THERE IS A MARYLAND SUBSTANCE ABUSE FUND.

24 (2) THE FUND IS A SPECIAL NONLAPSING FUND THAT IS NOT SUBJECT
 25 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

26 (3) THE FUND CONSISTS OF THE FEE REQUIRED UNDER § 6-229 OF THE
 27 CRIMINAL PROCEDURE ARTICLE, MONEYS APPROPRIATED IN THE STATE BUDGET TO
 28 THE FUND, ALL EARNINGS FROM INVESTMENT OF MONEYS IN THE FUND, AND
 29 OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE FUND FROM A
 30 GOVERNMENTAL OR PRIVATE SOURCE.

31 (4) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY.

32 (5) THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

33 (6) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
 34 MANNER AS OTHER STATE FUNDS.

1 (7) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS
2 DIRECTED BY THE ADMINISTRATION OR AS APPROVED IN THE STATE BUDGET.

3 (8) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE
4 AUDITS UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

5 (9) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

6 (I) THE GENERAL FUND OF THE STATE; OR

7 (II) ANY OTHER SPECIAL FUND OF THE STATE.

8 (C) THE FUND SHALL BE USED BY THE ADMINISTRATION FOR THE
9 FOLLOWING PURPOSES IN ORDER OF PRIORITY:

10 (1) PLANNING EXPENSES AND RELATED COSTS INCURRED BY LOCAL
11 DRUG AND ALCOHOL COUNCILS ESTABLISHED UNDER SUBTITLE 10 OF THIS TITLE;

12 (2) PLANNING EXPENSES AND RELATED COSTS INCURRED BY ANY
13 STATE UNIT DESIGNATED TO COORDINATE PLANNING BY LOCAL DRUG AND
14 ALCOHOL COUNCILS AND REVIEW GRANT REQUESTS FROM LOCAL GOVERNMENTS;
15 AND

16 (3) SUBSTANCE ABUSE EVALUATION AND TREATMENT SERVICES,
17 INCLUDING SERVICES PROVIDED THROUGH A DRUG TREATMENT COURT.

18 (D) (1) ADMINISTRATIVE EXPENDITURES UNDER THIS SECTION MAY BE
19 MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

20 (2) THE ADMINISTRATION SHALL ADMINISTER THE FUND IN
21 ACCORDANCE WITH THIS SECTION AND ALL OTHER APPLICABLE LAW.

22 (3) DISBURSEMENTS FROM THE FUND SHALL SUPPLEMENT AND MAY
23 NOT SUBSTITUTE FOR ANY OTHER FUNDS APPROPRIATED IN THE STATE BUDGET
24 FOR SUBSTANCE ABUSE EVALUATION AND TREATMENT SERVICES.

25 **~~Article—Transportation~~**

26 ~~16-117.~~

27 (a) ~~The Administration shall keep a record of:~~

28 (1) ~~Each driver's license application that it receives;~~

29 (2) ~~Each driver's license that it issues; and~~

30 (3) ~~Each licensee whose license to drive the Administration has~~
31 ~~suspended or revoked, and the reasons for the action.~~

32 (b) (1) ~~The Administration shall file each accident report and abstract of~~
33 ~~court disposition records that it receives under the laws of this State.~~

1 (2) The Administration shall keep convenient records or make suitable
2 notations showing the convictions or traffic accidents in which each licensee has been
3 involved and every probation before judgment disposition of any violation of the
4 Maryland Vehicle Law. A record or notation of a probation before judgment
5 disposition, ~~A CHARGE DISMISSED BY THE STATE'S ATTORNEY ENTERING A NOLLE~~
6 ~~PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR~~
7 ~~POSTPONED INDEFINITELY BY THE COURT MARKING THE CHARGE STET WITH THE~~
8 ~~REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT ON THE DOCKET, or a first~~
9 offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of
10 this title, shall be segregated by the Administration and shall be available only to the
11 Administration, the courts, criminal justice agencies, and the defendant or the
12 defendant's attorney. However, a record or notation of a probation before judgment, ~~A~~
13 ~~CHARGE DISMISSED BY NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR~~
14 ~~ALCOHOL TREATMENT OR POSTPONED INDEFINITELY BY THE COURT MARKING THE~~
15 ~~CHARGE STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT~~
16 ~~ON THE DOCKET, or a first offense of driving with an alcohol concentration of 0.08 or~~
17 more under § 16-205.1 of this title, may not be received or considered by the courts
18 until a plea of guilty or nolo contendere is made by the defendant or a finding of guilty
19 is made by the court.

20 (3) These records or notations shall be made so that they are readily
21 available for consideration by the Administration of any license renewal application
22 and at any other suitable time.

23 (4) Accident reports and abstracts of court convictions pertaining to
24 driving an emergency vehicle, if received by a person who was driving an emergency
25 vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by
26 the Administration and shall be available only to the Administration.

27 (5) Except as provided in this section, an employee of the Administration
28 may not disclose any records or information regarding probation before judgment, or
29 a first offense of driving with an alcohol concentration of 0.08 or more under §
30 16-205.1 of this title.

31 (e) If a charge of a Maryland Vehicle Law violation against any individual is
32 dismissed by a court of competent jurisdiction, a record of the charge and dismissal
33 may not be included in the individual's driving record.

34 16-117.1.

35 (a) In this section, "criminal offense" does not include any violation of the
36 Maryland Vehicle Law.

37 (b) Except as provided in subsection (c) of this section and in Subtitle 8 of this
38 title, if a licensee applies for the expungement of the licensee's public driving record,
39 the Administration shall expunge the record if, at the time of application:

40 (1) The licensee does not have charges pending for allegedly committing
41 a moving violation or a criminal offense involving a motor vehicle; and

1 (2) (i) The licensee has not been convicted of a moving violation or a
2 criminal offense involving a motor vehicle for the preceding 3 years, and the licensee's
3 license never has been suspended or revoked;

4 (ii) The licensee has not been convicted of a moving violation or a
5 criminal offense involving a motor vehicle for the preceding 5 years, and the licensee's
6 record shows not more than one suspension and no revocations; or

7 (iii) Within the preceding 10 years:

8 1. The licensee has not been convicted of [nor], been granted
9 probation before judgment FOR, OR HAD A CHARGE DISMISSED BY NOLLE PROSEQUI
10 WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR POSTPONED
11 INDEFINITELY BY THE COURT MARKING THE CHARGE STET WITH THE
12 REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT for a violation of § 20-102
13 or § 21-902 of this article;

14 2. The licensee's driving record shows no convictions from
15 another jurisdiction of a moving violation identical or substantially similar to §
16 20-102 or § 21-902 of this article; and

17 3. The licensee has not been convicted of any other moving
18 violation or criminal offense involving a motor vehicle, regardless of the number of
19 suspensions or revocations.

20 (e) The Administration may refuse to expunge a driving record if it determines
21 that the individual requesting the expungement has not driven a motor vehicle on the
22 highways during the particular conviction-free period on which the request is based.

23 (d) The Administration shall expunge from its driver record data base the
24 driving record of an individual or a probation before judgment disposition of an
25 individual:

26 (1) Who has not been convicted of a moving violation or criminal offense
27 involving a motor vehicle for the preceding 3 years;

28 (2) Who has not been convicted of, [or] been granted probation before
29 judgment for, OR HAD A CHARGE DISMISSED BY NOLLE PROSEQUI WITH THE
30 REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR POSTPONED INDEFINITELY
31 BY THE COURT MARKING THE CHARGE STET WITH THE REQUIREMENT OF DRUG OR
32 ALCOHOL ABUSE TREATMENT ON THE DOCKET FOR:

33 (i) A violation of § 20-102 of this article;

34 (ii) A violation of § 21-902 of this article; or

35 (iii) A moving violation identical or substantially similar to § 20-102
36 or § 21-902 of this article; and

1 ~~(6)~~ (8) THE PRESIDENT OF THE LOCAL BOARD OF EDUCATION, OR THE
2 PRESIDENT'S DESIGNEE;

3 ~~(7)~~ (9) A REPRESENTATIVE OF THE COUNTY EXECUTIVE, THE MAYOR
4 OF BALTIMORE CITY, OR THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IN
5 COUNTIES WITH NO COUNTY EXECUTIVE, AS APPROPRIATE;

6 ~~(8)~~ (10) FOR CHARTER COUNTIES AND IN BALTIMORE CITY, A
7 REPRESENTATIVE OF THE COUNTY COUNCIL OR THE CITY COUNCIL IN BALTIMORE
8 CITY, APPOINTED BY THE CHAIRPERSON OR PRESIDENT OF THE COUNTY COUNCIL
9 OR CITY COUNCIL;

10 ~~(9)~~ (11) THE COUNTY ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT
11 FOR THE COUNTY, OR THE JUDGE'S DESIGNEE;

12 ~~(10)~~ (12) THE ADMINISTRATIVE JUDGE OF THE DISTRICT COURT FOR
13 THAT DISTRICT, OR THE JUDGE'S DESIGNEE;

14 ~~(11)~~ (13) THE FOLLOWING INDIVIDUALS APPOINTED BY THE COUNTY
15 EXECUTIVE, THE MAYOR OF BALTIMORE CITY, OR THE COUNTY COMMISSIONERS OR
16 COUNTY COUNCIL IN COUNTIES WITH NO COUNTY EXECUTIVE, AS APPROPRIATE:

17 (I) AT LEAST ONE RECIPIENT OF ADDICTIONS TREATMENT
18 SERVICES;

19 (II) AT LEAST ONE SUBSTANCE ABUSE TREATMENT PROVIDER;

20 (III) AT LEAST ONE SUBSTANCE ABUSE PREVENTION PROVIDER;

21 (IV) AT LEAST ONE INDIVIDUAL WHO IS KNOWLEDGEABLE AND
22 ACTIVE ON SUBSTANCE ABUSE ISSUES THAT AFFECT THE COUNTY;

23 (V) THE SUPERINTENDENT, WARDEN, OR DIRECTOR OF THE LOCAL
24 CORRECTIONAL FACILITY LOCATED IN THE COUNTY OR IN BALTIMORE CITY THE
25 WARDEN OF THE BALTIMORE CITY DETENTION CENTER; AND

26 (VI) AT LEAST ONE OTHER INDIVIDUAL WHO IS KNOWLEDGEABLE
27 ABOUT TREATMENT OF SUBSTANCE ABUSE IN THE COUNTY, INCLUDING MEMBERS
28 OF CIVIC ORGANIZATIONS, THE CHAMBER OF COMMERCE, HEALTH CARE
29 PROFESSIONAL ORGANIZATIONS, OR THE CLERGY.

30 (D) (1) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (C)(11) OF
31 THIS SECTION IS 4 YEARS.

32 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
33 THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1, 2004.

34 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
35 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

1 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
2 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
3 AND QUALIFIES.

4 (E) THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL SHALL:

5 (1) DETERMINE ITS OWN GOVERNING STRUCTURE, INCLUDING ISSUES
6 RELATING TO APPOINTMENT OF A MEMBER TO SERVE AS CHAIRMAN;

7 (2) DEVELOP AND SUBMIT A PLAN TO THE ADMINISTRATION AS
8 REQUIRED IN THIS SECTION;

9 (3) SUBMIT A SUMMARY REPORT TO THE GOVERNOR OR THE
10 GOVERNOR'S DESIGNEE ON OR BEFORE DECEMBER 1, 2004, ON ITS MEMBERSHIP,
11 ORGANIZATION, RULES, PROGRESS IN DEVELOPING A PLAN, AND COMPLIANCE WITH
12 THIS SECTION; AND

13 (4) (I) ON JULY 1, 2005, AND EVERY 2 YEARS THEREAFTER, SUBMIT A
14 LOCAL PLAN AS DESCRIBED IN SUBSECTION ~~(E)~~ (F) OF THIS SECTION TO THE
15 GOVERNOR, OR THE GOVERNOR'S DESIGNEE; AND

16 (II) REPORT EVERY 6 MONTHS TO THE ADMINISTRATION ON ITS
17 PROGRESS IN IMPLEMENTING THE PLAN.

18 (F) A LOCAL PLAN SHALL:

19 (1) INCLUDE THE PLANS, STRATEGIES, AND PRIORITIES OF THE COUNTY
20 FOR MEETING THE IDENTIFIED NEEDS OF THE GENERAL PUBLIC AND THE CRIMINAL
21 JUSTICE SYSTEM FOR ALCOHOL AND DRUG ABUSE EVALUATION, PREVENTION, AND
22 TREATMENT SERVICES;

23 (2) INCLUDE A SURVEY OF ALL FEDERAL, STATE, LOCAL, AND PRIVATE
24 FUNDS USED IN THE COUNTY FOR ALCOHOL AND DRUG ABUSE EVALUATION,
25 PREVENTION, AND TREATMENT; AND

26 (3) BE IN A FORMAT AS PRESCRIBED BY THE ADMINISTRATION.

27 (G) A COUNTY OR UNIT OF A COUNTY APPLYING FOR FUNDS FROM A STATE
28 UNIT FOR ANY ALCOHOL OR DRUG ABUSE EVALUATION, PREVENTION, OR
29 TREATMENT SERVICES WITHIN THAT COUNTY SHALL SUBMIT THAT APPLICATION TO
30 THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL FOR ITS CONSIDERATION.

31 ~~(G)~~ (H) (1) ~~AFTER REVIEW OF AN APPLICATION OR GRANT PROPOSAL,~~ THE
32 LOCAL DRUG AND ALCOHOL ABUSE COUNCIL MAY RECOMMEND TO ANY FEDERAL OR
33 STATE UNIT OR PRIVATE FOUNDATION THAT AN APPLICATION FOR ANY FUNDS FOR
34 DRUG OR ALCOHOL ABUSE EVALUATION, PREVENTION, OR TREATMENT SERVICES IN
35 THE COUNTY BE APPROVED.

36 (2) (I) ~~IN CONDUCTING A REVIEW UNDER PARAGRAPH (1) OF THIS~~
37 ~~SUBSECTION,~~ A LOCAL DRUG AND ALCOHOL ABUSE COUNCIL SHALL CONSIDER

1 WHETHER THE GRANT APPLICATION IS CONSISTENT WITH THE LOCAL PLAN AND
 2 THE STRATEGIES AND PRIORITIES SET OUT IN THE LOCAL PLAN.

3 (II) A RECOMMENDATION BY A LOCAL DRUG AND ALCOHOL ABUSE
 4 COUNCIL MAY INCLUDE ANY ADDITIONAL INFORMATION THE COUNCIL CONSIDERS
 5 USEFUL TO THE GOVERNMENTAL UNIT OR PRIVATE FOUNDATION IN ITS
 6 CONSIDERATION OF THE APPLICATION.

7 ~~(H) A STATE UNIT MAY NOT APPROVE AN APPLICATION FROM A COUNTY OR
 8 UNIT OF A COUNTY FOR FUNDS FOR ANY ALCOHOL OR DRUG ABUSE EVALUATION,
 9 PREVENTION, OR TREATMENT SERVICES WITHIN THAT COUNTY UNLESS THE
 10 APPLICATION HAS BEEN SUBMITTED FOR REVIEW TO THE LOCAL DRUG AND
 11 ALCOHOL ABUSE COUNCIL.~~

12 ~~(I) THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL MAY SUBMIT
 13 RECOMMENDATIONS TO THE COUNTY OR THE ADMINISTRATION REGARDING
 14 LEGISLATION OR PROGRAMS THAT MAY BE APPROPRIATE TO THE IMPROVEMENT OF
 15 ALCOHOL AND DRUG ABUSE EVALUATION, PREVENTION, AND TREATMENT
 16 SERVICES.~~

17 ~~(J) (1) THE ADMINISTRATION MAY PROVIDE A EACH LOCAL DRUG AND
 18 ALCOHOL ABUSE COUNCIL WITH ANY NECESSARY TECHNICAL ASSISTANCE AND ANY
 19 FUNDS THAT MAY BE AVAILABLE FOR OPERATION OF THE COUNCIL.~~

20 (2) THE ADMINISTRATION SHALL PROVIDE ANY FUNDS AVAILABLE
 21 FROM THE MARYLAND SUBSTANCE ABUSE FUND OR OTHER SOURCES FOR
 22 OPERATION OF A LOCAL COUNCIL ON SUBMISSION OF A REQUEST FOR FUNDS AND
 23 APPROVAL OF A BUDGET IN ACCORDANCE WITH ADMINISTRATION REGULATIONS.

24 (J) THE PLANNING, REPORTING, AND REVIEWING REQUIREMENTS FOR A
 25 LOCAL DRUG AND ALCOHOL ABUSE COUNCIL UNDER THIS SECTION DO NOT APPLY
 26 UNLESS APPROPRIATE STATE FUNDING FOR FULFILLING THE REQUIREMENTS HAS
 27 BEEN PROVIDED.

28 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
 29 members of a local Drug and Alcohol Abuse Council appointed under § 8-1001(c)(11)
 30 of the Health - General Article of the Annotated Code of Maryland shall expire as
 31 follows:

- 32 (1) One member in 2005;
- 33 (2) One member in 2006;
- 34 (3) One member in 2007; and
- 35 (4) The remaining members in 2008.

36 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
 37 take effect July 1, 2004.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
2 Section 4 of this Act, this Act shall take effect October 1, 2004.